

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAX BIRMINGHAM,

Plaintiff,

v.

DANA NESSEL,

Defendant.

Case No. 1:20-cv-497

Hon. Janet T. Neff

ORDER OF DISMISSAL

Plaintiff submitted his complaint in this action to the Court's facility in Lansing. Because that facility was closed as part of the Court's response to Covid-19, plaintiff submitted an identical complaint to the Court's facility in Grand Rapids, where it was filed as case no. 1:20-cv-329 on April 17, 2020. The original complaint submitted to the Court's facility in Lansing was erroneously filed as case no. 1:20-cv-497 on June 2, 2020. This matter is now before the Court on plaintiff's motion to consolidate the two cases and to refund the \$400.00 filing fee for the erroneously filed case (ECF No. 4). Because the two cases are identical, and plaintiff's claims are being litigated in case no. 1:20-cv-329, the Court construes the motion as one to dismiss the present case as a duplicative and erroneous filing. Accordingly,

IT IS ORDERED that plaintiff's motion (ECF No. 4) is **GRANTED**, that this case is **DISMISSED**, and that the Clerk's Office **REFUND** plaintiff's \$400.00 filing fee.

Date: July 7, 2020

/s/ Janet T. Neff

Janet T. Neff

United States District Judge